

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

IN RE: DON CLAYTON COOKSEY
Arkansas Bar ID # 74199
CPC Docket No. 2008-099

FILED

JAN 07 2009

**LESLIE W. STEEN
CLERK**

FINDINGS AND ORDER

The formal charges of misconduct upon which this Order is based arose out of information that came to the attention of the Committee from Mr. Jerry Minyard. In August 2006, Mr. Minyard hired Don C. Cooksey and paid him \$1500 to represent him in his divorce, *Jerry Wayne Minyard v. Glenda Faye Minyard*, Little River County Circuit Court, Case No. DR-2006-191-1. On March 2, 2008, Mr. Cooksey's Arkansas law license was administratively suspended for failure to pay the annual bar license fee by March 1. On or about March 12, 2008, Mr. Cooksey met with opposing counsel, Ernest W. Brown, Jr., and the two of them agreed on a proposed decree. Both lawyers signed the decree, and Mr. Cooksey delivered it to the court for signature. On March 13, the court entered the final decree of divorce. The suspension of Mr. Cooksey's Arkansas law license was lifted on May 30, 2008, when he paid the fee and penalty. During the course of the investigation, the Office of Professional Conduct discovered that Circuit Court Judge Kirk Johnson had ordered Mr. Cooksey to pay \$1,000 for his failure to appear for a scheduled May 27 jury trial in another matter.

Upon consideration of the formal complaint and attached exhibit materials, the response to it, and other matters before it, and the Arkansas Rules of Professional Conduct, Panel A of the Committee on Professional Conduct finds:

A. Mr. Cooksey violated Rule 3.4(c) when he failed to (1) pay his 2008 Arkansas bar license fee by March 1, 2008, as required by Arkansas Supreme Court Rule VII.C, Rules Governing Admission to the Bar and (2) appear as scheduled for a May 27 jury trial. Rule 3.4(c) requires that

a lawyer shall not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.

B. Mr. Cooksey violated Rule 5.5(a) when he failed to pay his 2008 Arkansas bar license fee by March 1, 2008, as required by Arkansas Supreme Court Rule VII.C, Rules Governing Admission to the Bar, resulting in the automatic suspension of his Arkansas law license until May 30, 2008, when he paid the license fee. Mr. Cooksey practiced law in Arkansas state courts, including in Jerry Minyard's matter, while his Arkansas license was suspended. Rule 5.5(a) provides that a lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

C. Mr. Cooksey violated Rule 8.4(d) when he failed to appear for a Miller County, Arkansas jury trial on May 27, 2008, which resulted in the county expending unnecessary funds for a jury panel and their transportation costs. Rule 8.4(d) provides that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that **DON CLAYTON COOKSEY**, Arkansas Bar ID# 74199 be, and hereby is, **REPRIMANDED**, and he is ordered to pay **\$50.00 COMMITTEE COSTS** and **\$500 RESTITUTION** for his conduct in this matter. The costs assessed herein shall be payable by cashier's check or money order payable to the "Clerk, Arkansas Supreme Court" delivered to the Office of Professional Conduct within thirty (30) days of the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

ARKANSAS SUPREME COURT COMMITTEE
ON PROFESSIONAL CONDUCT - PANEL A

By Steven Shults
Steven Shults, Chairperson, Panel A

Date December 3, 2008